

Attorney Docket No.: UMD0067US.NP
Inventors: Welsh et al.
Serial No.: 10/565,417
Filing Date: August 3, 2006
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REMARKS

Claims 1-4 are pending in the instant application. Claims 1-4 have been rejected. Claim 1 has been amended. No new matter has been added by this amendment. Reconsideration is respectfully requested in light of these amendments and the following remarks.

I. Withdrawn Rejections

Applicants acknowledge the withdrawal of the rejection of claim 4 under 35 U.S.C. 112, second paragraph.

II. Rejection of Claims Under 35 U.S.C. §102/§103

Claims 1-4 remain rejected under 35 U.S.C. 102(b) as being anticipated by Troyanskaya et al. ((2001) *Bioinformatics* 17:520-525) with additional support from online Merriam-Webster Dictionary ("Gaussian" definition) for the reasons of record.

Claims 1 and 3 remain rejected under 35 U.S.C. 102(a) as being anticipated by Hytopoulos et al. (US 2002/0169560 A1) with additional support from online Merriam-Webster dictionary ("Gaussian" definition) for the reasons of record.

Claims 1-4 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Hytopoulos et al. (US 2002/0169560 A1) with additional support from online Merriam-Webster dictionary ("Gaussian" definition) in view of Cereghini et al. (US 6,496,834 B1). It is suggested that this rejection is maintained and reiterated for reasons of record.

Applicants respectfully disagree with these rejections.

The Examiner suggests that Applicants' arguments concerning Gaussian mixture clustering is unpersuasive because such

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limitations are not found in the claims. Applicants respectfully submit that when read in light of the specification, the recited term "Gaussian mixture clustering (GMC) model" would be understood by one skilled in the relevant art as imposing a mixture of multivariate normal (Gaussian) distributions (see pages 11-15).

In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) ("When the applicants state the meaning that the claim terms are intended to have, the claims are examined with that meaning, in order to achieve a complete exploration of the applicant's invention and its relation to the prior art."); see also *Multiform Desiccants, Inc. v. Medzam, Ltd.*, 133 F.3d 1473, 1477, 45 USPQ2d 1429, 1432 (Fed. Cir. 1998) ("When the specification explains and defines a term used in the claims, without ambiguity or incompleteness, there is no need to search further for the meaning of the term.").

In this regard, the specification clearly describes the Gaussian mixture clustering model as being distinct from the "normalization" of data described by the cited references. However, in an earnest effort to facilitate the prosecution of this application and distinguish the present invention from the teachings of the cited prior art, Applicants have amended claim 1, as supported by the disclosure at pages 11-15, to indicate that the Gaussian mixture clustering model imposes a mixture of multivariate normal distributions.

Because the cited references fail to teach or suggest Gaussian mixture clustering as used in the context of the present invention, these references cannot be reasonably considered to anticipate or make obvious the subject matter of the present invention. It is

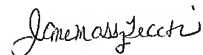
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therefore respectfully requested that the rejections under 102(a), 102(b), and 103(a) be reconsidered and withdrawn.

III. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Advisory Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,



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